

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

VATCHO KOBOUROFF  
INDIVIDUALLY AND FOR  
KOBouroff & COMPANY

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. BUL-2-004

Decision No. BUL-2-47

Appeal and objections from a Proposed Decision entered on June 2, 1971

Hearing on the record held on September 8, 1971

FINAL DECISION

This claim, for \$7,700.00, against the Government of Bulgaria under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of accounts in Bulgarian banks and confiscated merchandise. The claim was denied by Proposed Decision dated June 2, 1971, for the failure of the claimants, VATCHO KOBOUROFF individually and for KOBOUROFF & COMPANY, to establish that the property involved in this claim was nationalized or otherwise taken by the Government of Bulgaria between August 9, 1955, and July 2, 1963, as required for compensation.

The claimant filed objections to the Proposed Decision of June 2, 1971, but failed to state the reasons why he is contesting the correctness of such decision.

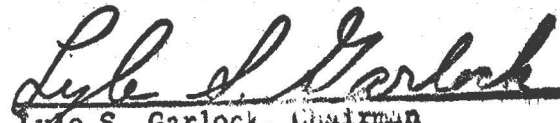
Full consideration having been given to the entire record, including the claimant's objections, the Commission finds that the claimant's

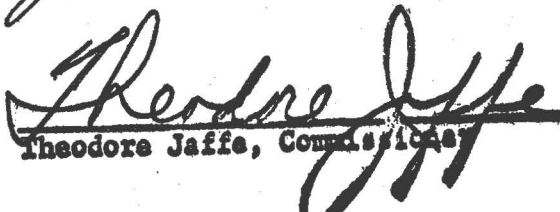
objections are not supported by evidence and, therefore, they do not warrant a change in the decision issued on this claim. Accordingly, it is

ORDERED that the Proposed Decision of June 2, 1971, be and the same is hereby affirmed as the Final Decision of the Commission in this matter.

Dated at Washington, D.C.  
and entered as the Final  
Decision of the Commission

SEP 8 1971

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

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PROPOSED DECISION

This claim, for \$7,700.00, against the Government of Bulgaria under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of accounts in Bulgarian banks and confiscated merchandise. VATCHO KOBOUROFF has been a national of the United States since his naturalization on December 19, 1938.

Under Section 303, Title III, of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955), 22 U.S.C. §§1641-1641q (1964)), as further amended by Section 10 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 420 (1968)), the Commission is given jurisdiction over certain claims of nationals of the United States included within the terms of the Bulgarian Claims Agreement of 1963 (Agreement Between the Government of the United States of America and the Government of the People's Republic of Bulgaria Regarding Claims of United States Nationals and Related Financial Matters, July 2, 1963, 14 UST 969; TIAS 5387 (1963)).

The jurisdiction of the Commission is set forth in Section 303(4) of the Act, supra, which authorizes the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Bulgaria arising out of the failure of that government to pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States between August 9, 1955 and July 2, 1963, the effective date of the Bulgarian Claims Agreement.

It is clear, therefore, that this new section of the Act does not confer jurisdiction upon the Commission to consider all claims which were settled and discharged under the Bulgarian Claims Agreement of 1963 but rather, provides for a limited class only, namely, those which arose between August 9, 1955 and July 2, 1963, as a result of the nationalization, compulsory liquidation, or other taking of property.

It is important to note that other classes of claims settled and discharged by the Agreement which arose prior to August 9, 1955 were provided for pursuant to Subsections (1), (2) and (3) of Section 303 of the Act, supra. That program was completed on August 9, 1959 pursuant to an express statutory mandate.

In his Statement of Claim, VATCHO KOBOUROFF states that between 1947 and 1954 he did business with Bulgaria as KOBOUROFF & COMPANY, a partnership, registered in the State of New York, by exporting machinery and drugs to Bulgaria, and that in 1948 KOBOUROFF & COMPANY sold 15 portable typewriters to "Metalimport", an enterprise of the Government of Bulgaria for which the amount of 494,604 leva was paid to its account with the Bulgarian National Bank in Sofia. It further appears that in August 1948 VATCHO KOBOUROFF accepted leva amounts to be deposited on his account with

the Souhindol Branch office of the Bulgarian National Bank by Maria Miteva and Slav Bistreff, the equivalent of such amounts to be paid to designated persons in Germany and the United States, respectively.

The evidence of record shows that KOBOUROFF & COMPANY had a balance of 810,240 leva with the Souhindol branch of the Bulgarian National Bank as of January 1, 1949, and a balance of 154,780 leva with the Bulgarian National Bank in Sofia as of December 31, 1949.

It is alleged by VATCHO KOBOUROFF that he sent drugs and medicine to Bulgaria between 1948 and 1951, for which payment was made in the United States.

The record contains a letter by the Secretary of Postal Service, Telephone and Telegraph, Bulgaria, dated March 20, 1954, in which VATCHO KOBOUROFF had been advised, among other things, of the following:

. . . the business that you are doing with our citizens is illegal.

According to the existing internal Laws in our Land, for illegal Trade and speculation with exchange inside in (Bulgaria) the land all of the parcels (small packs) have been confiscated.

In another letter, dated July 20, 1956, by the Secretary of Foreign Affairs, Bulgaria, the KOBOUROFF & COMPANY was advised as follows:

. . . your firm (company, enterprise) has had certain amount of monies on deposit in local currency "leva" with our Agency (Bank Representative), the Cooperative Organization, "Edinstvo" in the City of Souhindol, County of Pavlikeni. - and also with Bulgarian National Bank, distric of Stalin, branch in Sofia.

The amount of monies, however has been transwered to the State Treasury, as ordered August 23th 1951.

The reason of it, you have violated the Law that Controles the trade of the Land, and that you and other person acused with you Vatcho D. Kobouroff, who lives in the United States of America Serafim Popkrasteff and Penio Popkrasteff and others. And that you (Vatcho D. Kobouroff) had supply medicine and other merchandise for many people, who have paid the equivalent amount of money in leva by depositing same to your account of Vatcho Kobouroff and Company, New York, and the said monies have been deposited with our Agent, and representative of the Cooperative Organization " Edinstvo" in the City of Souhindol, County of Pavlikeni.

The above mentioned person have been accused and sentenced case No 2365 in 1951 in Distric Court in Sofia.

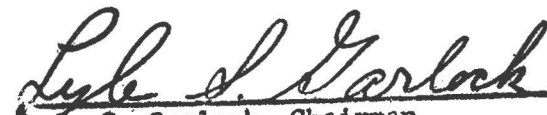
Having reviewed the evidence of record, the Commission finds that the accounts in question were confiscated in 1951 and the merchandise taken prior to 1955 by the Government of Bulgaria. The Commission further finds that the letter of July 20, 1956, by the Secretary of Foreign Affairs, Bulgaria, mentioned above, merely advised the claimant of the confiscation of his property in 1951, and such letter did not constitute the act of confiscation in 1956.

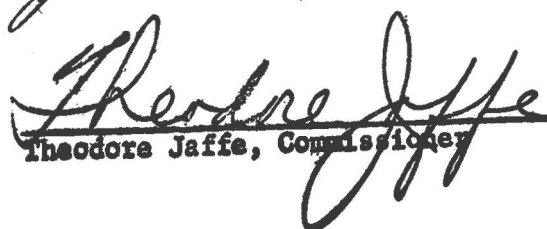
In view of the foregoing, the Commission concludes that the claimants have failed to establish that property in question was nationalized or otherwise taken by the Government of Bulgaria between August 9, 1955, and July 2, 1963, as required for compensation. Therefore, the claim must be, and it is hereby denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D.C.  
and entered as the Proposed  
Decision of the Commission

**JUN 2 1971**

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended.)

BUL-2-004